

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES MEYERS and  
MARY MEYERS, h/w  
2117 Dennis Court  
Waldorf, MD 20601

CIVIL ACTION

v.

GEORGINE MAY  
737 Webster Hill Road  
Lititz, PA 175643

Case #:

And

**JURY TRIAL DEMANDED**

JAMES MAY  
737 Webster Hill Road  
Lititz, PA 175643

And

JOHN DOE (1-10)

And

JOHN DOE (11-20)

**COMPLAINT**

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action pursuant to 28 U.S. C. § 1332, because the amount in controversy as to the Plaintiffs exceeds One Hundred and Fifty Thousand Dollars (\$150,000.00), exclusive of interest and costs, and because complete diversity exists between the parties, as Plaintiffs, Charles Meyers and Mary Meyers, are citizens of Maryland, and Defendants, Georgine May and James May, are citizens of Pennsylvania.

**PARTIES**

2. Plaintiff, Charles Meyers, is an adult individual residing at 2117 Dennis Court, Waldorf, MD 20601.

3. Plaintiff, Mary Meyers, is an adult individual residing at 2117 Dennis Court, Waldorf, MD 20601.

4. Defendant, Georgine May, is an adult individual residing at 737 Webster Hill Road, Lititz, PA 175643.

5. Defendant, James May, is an adult individual residing at 737 Webster Hill Road, Lititz, PA 175643.

6. Defendant, John Doe (1-10), is an unknown individual/individuals/estate and/or duly appointed Administrator of the Defendant, Georgine May's Estate, should said Defendant be deceased, who was operating and/or in control of Defendant's vehicle and/or Defendant's employer at the time of the accident and/or responsible for Defendant's vehicle at the time of the accident referenced.

7. Defendant, John Doe (11-20), is an unknown individual/individuals/estate and/or duly appointed Administrator of the Defendant, James May's Estate, should said Defendant be deceased, who was operating and/or in control of Defendant's vehicle and/or Defendant's employer at the time of the accident and/or responsible for Defendant's vehicle at the time of the accident referenced.

### **FACTS**

8. Plaintiffs hereby incorporate by reference all preceding Paragraphs of this Complaint the same as if fully set forth hereinafter.

9. On September 11, 2018, Defendants, Georgine May, James May, John Doe (1-10) and John Doe (11-20), owned, managed, maintained, possessed and/or controlled a certain motor vehicle, namely a 2000 Dodge Dakota bearing PA license plate number ZGK4393, which motor vehicle was traveling westbound in the parking lot of Roots Family Market located at 705 Graystone Road, Manheim PA 17545 (hereinafter referred to as the "Premises") in Lancaster County, PA.

10. At the aforesaid time and place, Plaintiff, Charles Meyers, was a business invitee and lawful and proper pedestrian walking in the parking lot of the Premises.

11. At aforesaid time and place, Defendants, Georgine May, James May, John Doe (1-10) and John Doe (11-20), so carelessly and negligently operated their aforesaid vehicle by traveling at an excessive rate of speed, and failed to yield the right away to Plaintiff and violently struck Mr. Meyers, causing plaintiff to sustain those serious and permanent personal injuries more specifically set forth hereinafter.

**COUNT I**  
**PLAINTIFFS v. ALL DEFENDANTS**  
**NEGLIGENCE**

12. Plaintiffs hereby incorporate by reference all preceding Paragraphs of this complaint the same as if fully set forth hereinafter.

13. Defendants, Georgine May, James May, John Doe (1-10) and John Doe (11-20), were careless and negligent in:

- a. Operating their vehicle at an excessive rate of speed under the circumstances;
- b. Failing to stop their vehicle prior to striking Plaintiff;
- c. Failing to maintain proper and safe control of their vehicle;
- d. Causing and allowing their vehicle to violently strike into Plaintiff;
- e. Failing to avoid striking Plaintiff;
- f. Failing to stay in their travel lane;
- g. Careless driving;
- h. Failing to properly maintain their vehicle and have it operate in a proper and safe manner;
- i. Operating their motor vehicle in violation of the ordinances of the Commonwealth of Pennsylvania and other relevant governmental entities; and
- j. Failing to use reasonable care under all the circumstances.

14. By reason of the carelessness and negligence of Defendants, Georgine May, James May, John Doe (1-10) and John Doe (11-20), as aforesaid, Plaintiff, Charles Meyers, sustained serious, disabling and permanent personal injuries: he sustained a full thickness complete tear of the left supraspinatus tendon for which he was required to undergo major surgery in the form of a left reverse shoulder arthroplasty and left long head of the biceps tendon transfer to upper pectoralis major tendon on November 26, 2018 and inpatient hospitalization through November 27, 2018 at Medstar Georgetown University Hospital; he sustained subacromial subdeltoid bursitis of the left shoulder; he sustained left long head biceps tendinopathy of the left shoulder; he sustained subacromial space narrowing and impingement of the horizontal intra-articular long head biceps tendon; he suffered aggravation of asymptomatic pre-existing degenerative disease of the left AC joint; he sustained a laceration to the left elbow at the bony prominence; he sustained an abrasion to the left elbow; he sustained a contusion of the thoracic spine; he sustained a contusion to the left hip; he has suffered from severe pain to his left shoulder; he has suffered from severe pain to his left elbow; he has suffered from severe pain to his thoracic spine; he has suffered from severe pain to his left hip; he has been required to undergo physical therapy; he has been required to undergo injections to his left shoulder; he has been required to wear a splint; he sustained further injury to the bones, muscles, nerves, joints, cartilage, and ligaments of his body, the full extent of which have yet to be determined; he sustained other orthopedic, neurologic and psychological injuries, the full extent of which has yet to be determined; he has sustained permanent scarring; he has in the past been required and may in the future continue to be required to submit to x-rays, CT scans, MRIs, and other diagnostic studies; he has in the past suffered and may in the future continue to suffer agonizing aches, pains, and mental anguish; he has in the past and may in the future continue to endure pain and suffering; he has incurred significant past medical bills and will likely incur future medical bills; he has in the past and may in the future continue to be disabled from performing his

usual duties, occupations and avocations, all to his great loss and detriment; he has suffered a significant loss of life's pleasures; and he has suffered from severe embarrassment and humiliation.

15. By the reason of the carelessness and negligence of Defendants, Georgine May, James May, John Doe (1-10) and John Doe (11-20), as aforesaid, Plaintiff, Charles Meyers, has incurred various expenses, including medical expenses and bills, Plaintiff may be obligated to continue to expend monies and incur further obligations for his medical care and treatment, for an indefinite period of time in the future.

16. Plaintiff has sustained and makes claim for pain and suffering, loss of physical function, permanent physical, mental and psychological injuries, humiliation and embarrassment, loss of life's pleasures, permanent scarring and any all other damages to which he is entitled or may be entitled under the laws of the applicable State.

**WHEREFORE**, Plaintiff, Charles Meyers, claims of Defendants, Georgine May, James May, John Doe (1-10) and John Doe (11-20), jointly and severally, separate sums in excess of \$150,000.00 and brings this action to recover same.

**COUNT II**  
**MARY MEYERS v. ALL DEFENDANTS**  
**LOSS OF CONSORTIUM**

17. Plaintiff, Mary Meyers, incorporates by reference all preceding paragraphs of this Complaint, the same as if fully set forth hereinafter.

18. At all times relevant hereto, plaintiff, Mary Meyers, was the lawfully wedded wife of husband-plaintiff, Charles Meyers.

19. As a result of the injuries sustained by Charles Meyers, wife-plaintiff, Mary Meyers, has been and will continue to be deprived of the love, assistance, companionship, consortium and society of her husband, plaintiff, Charles Meyers, all to her great loss and detriment.

WHEREFORE, Plaintiff, Mary Meyers, demands of Defendants, Georgine May, James May, John Doe (1-10) and John Doe (11-20), jointly and severally, separate sums in excess of \$150,000.00 and brings this action to recover same.

Respectfully submitted,

SALTZ, MONGELUZZI & BENDESKY, P.C.



BY

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